

WYOMING GAME AND FISH COMMISSION

CHAPTER 35

REGULATION FOR DISABLED HUNTER AND DISABLED HUNTER COMPANION PERMITS

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-302 and W.S. §23-1-302(m).

Section 2. Regulation. The Wyoming Game and Fish Commission hereby adopts the following regulation governing issuance of Disabled Hunter and Disabled Hunter Companion Permits.

Section 3. Definitions. For the purpose of this regulation definitions shall be as set forth in Title 23, Wyoming Statutes, and the Commission also adopts the following definitions:

(a) "Animal" means big or trophy game animal, game bird, or small game animal.

(b) "Class III Cardiac Condition" means a person with cardiac disease with functional capacity according to standards established by the American Heart Association resulting in marked limitation of physical activity. Such a person is comfortable at rest. Less than ordinary activity causes fatigue, palpitation, dyspnea, or anginal pain.

(c) "Class IV Cardiac Condition" means a person with cardiac disease with functional capacity according to standards established by the American Heart Association resulting in inability to carry on any physical activity without discomfort. Symptoms of heart failure or the anginal syndrome may be present even at rest. If any physical activity is undertaken, discomfort is increased.

(d) "Disabled Hunter" means any person meeting any of the qualifications specified in Section 4 of this regulation who has been issued a Disabled Hunter Permit by the Department.

(e) "Disabled Hunter Companion" means a person or organization who meets the provisions of this regulation, who assists a disabled hunter with dispatching or retrieving an animal wounded or killed by the disabled hunter, and who has been issued a Disabled Hunter Companion Permit by the Department.

(f) "Nonprofit Organization Dedicated to Providing Hunting Opportunities to Individuals with Disabilities" means any organization that is registered with the Wyoming Secretary of State and certifies that they are nonprofit and that the primary purpose or mission as stated in their charter is to provide hunting opportunities to individuals with disabilities.

(g) "Walker" means a mechanical device that has multiple legs and requires the use of both hands to move.

Section 4. Disabled Hunter Permit Qualifications. Any person having a physical or visual disability as attested in writing by the applicant and certified by a medical doctor, nurse practitioner, physician assistant, optometrist or ophthalmologist licensed to practice medicine, on a form provided by the Department, may be issued a Disabled Hunter Permit if the person:

(a) Is permanently unable to walk, at all times, without the use of, or assistance from, a wheelchair, scooter, or walker;

(b) Is restricted by lung disease to the extent the person's forced expiratory volume for one (1) second, when measured by a spirometer, is less than thirty-five (35%) percent predicted, or arterial oxygen tension is less than fifty-five (55) mm/Hg on room air at rest;

(c) Has a cardiac condition to the extent the person's functional limitations are classified in severity as Class III or Class IV, according to standards established by the American Heart Association and defined in Section 3 of this regulation;

(d) Has a permanent, physical impairment that prevents the person, at all times, from holding or shooting a firearm or bow in hand;

(e) Has central visual acuity that permanently does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is not greater than twenty (20) degrees; or,

(f) Can produce to the Department written proof that the last official certification of record of the United States Department of Veteran's Affairs or any branch of the Armed Forces of the United States shows the person to be at least sixty-five (65%) percent physically disabled.

Section 5. Disabled Hunter Permit Provisions.

(a) The disabled hunter shall:

(i) Only take animals in accordance with State statutes and Commission rules and regulations;

(ii) Be in possession of the Disabled Hunter Permit in the field while taking animals;

(iii) Possess a valid hunting license issued under authority of Title 23, Wyoming Statutes, or Commission rules and regulations, unless exempt by statute from the need to possess a valid hunting license.

(b) The disabled hunter shall not:

(i) Discharge a firearm or other legal hunting device from a motor vehicle except as otherwise provided in accordance with Wyoming Game and Fish Commission Regulation Chapter 38 Hunters with a Qualifying Disability Authorized to Shoot from a Vehicle;

(ii) Discharge a firearm or other legal hunting device from a watercraft (except a sinkbox), including those propelled by a motor, sail and wind, or both; except when the motor has been shut off, the sail furled, or both; and progress has ceased. The watercraft may be drifting as a result of current or wind action, beached, moored, resting at anchor, or propelled by paddle, oars, or pole. A watercraft under power may be used to retrieve a dead or wounded animal, but a firearm shall not be discharged while the watercraft is under way;

(iii) Transfer the Disabled Hunter Permit to another person or allow another person to utilize the permit.

(c) The disabled hunter shall submit an application on a form provided by the Department. The application shall be completed in full and shall bear the applicant's printed name, address and signature. The application shall also bear the printed name, address and signature of the individual licensed to practice medicine that certifies the applicant meets the qualifications of a disabled hunter as specified in Section 4 of this regulation. Disabled Hunter Permits shall be issued to qualified applicants by the Department's License Section, Regional Offices or designated Department personnel.

(d) The same person shall not be issued a Disabled Hunter Permit and a Disabled Hunter Companion Permit.

(e) A Disabled Hunter Permit shall not be valid for use in Grand Teton National Park.

(f) The disabled hunter may be assisted by more than one (1) Disabled Hunter Companion.

Section 6. Disabled Hunter Companion Permit.

(a) The Department shall issue Disabled Hunter Companion Permits in accordance with this section. Disabled Hunter Companion Permits may be issued to an individual or to a nonprofit organization dedicated to providing hunting opportunities to individuals with disabilities.

(b) Individuals applying for a Disabled Hunter Companion Permit shall abide by the following requirements:

(i) The applicant for a Disabled Hunter Companion Permit shall be at least fourteen (14) years of age.

(ii) The applicant for a Disabled Hunter Companion Permit shall do so on a form provided by the Department.

Section 7. Disabled Hunter Companion Permit Provisions. The Disabled Hunter Companion Permit shall be valid for the calendar year in which it was issued, unless the Department revokes the permit.

(a) The disabled hunter companion shall:

(i) Be in possession of the Disabled Hunter Companion Permit in the field while taking a wounded animal or retrieving an animal killed by the disabled hunter;

(ii) Only take a wounded animal in accordance with state statute and Commission rule and regulation, and shall not take an animal under the authority of a Disabled Hunter Companion Permit that has not been wounded by a disabled hunter and for which a license is required for the disabled hunter;

(iii) Be in possession of the disabled hunter's license and carcass coupon while taking any animal that has been wounded by the disabled hunter for which a carcass coupon is required or while retrieving such animal killed by the disabled hunter, and shall detach, and date the disabled hunter's carcass coupon prior to leaving the site of kill when a wounded animal is dispatched;

(iv) Not transfer their individual Disabled Hunter Companion Permit to another person or allow another person to utilize the permit; however, Disabled Hunter Companion Permits issued to an organization may be transferred to volunteers working for the organization; and,

(v) Be accompanied by the disabled hunter to the location where the disabled hunter wounds the animal that requires the disabled hunter companion to pursue and dispatch the wounded animal.

(b) Animals taken, tagged, or retrieved by a disabled hunter companion on behalf of a disabled hunter shall become part of the disabled hunter's bag or possession limit and do not count against the disabled hunter companion's bag or possession limit.

(c) A Disabled Hunter Companion Permit shall not be valid for use in Grand Teton National Park.

(d) A person may obtain more than one (1) Disabled Hunter Companion Permit.

Section 8. Revocation or Denial of a Disabled Hunter Permit or Disabled Hunter Companion Permit.

(a) The Department may deny or revoke a Disabled Hunter Permit or Disabled Hunter Companion Permit for the following reasons:

(i) The Department cannot verify all information and documentation provided by the applicant for the Disabled Hunter Permit or Disabled Hunter Companion Permit;

(ii) The applicant made false statements on the application to secure a permit;

(iii) The permittee is convicted of violating any provision of Title 23, Wyoming Statutes, or any Commission rules and regulations governing the taking of wildlife while exercising any privilege of the permit;

(iv) The disabled hunter companion, while assisting the disabled hunter, allows the disabled hunter to violate any provision of Title 23, Wyoming Statutes, or any Commission rules and regulations governing the taking of wildlife; or,

(v) The permittee no longer qualifies as a disabled hunter as defined in this regulation.

(b) Any person who has a Disabled Hunter Permit Application or Disabled Hunter Companion Permit Application denied by the Department may appeal the Department's decision to the Fiscal Division Chief in accordance with Commission rules and regulations.

(c) Any person who has a Disabled Hunter Permit or Disabled Hunter Companion Permit revoked by the Department may appeal the Department's decision to the Commission in accordance with Commission rules and regulations.

Section 9. Fees for Disabled Hunter Permit and Disabled Hunter Companion Permit. There shall be no fee for the Disabled Hunter Permit. The fee for the Disabled Hunter Companion Permit shall be five (\$5) dollars.

Section 10. Making False Statements to Obtain a Permit. Any person who makes a false statement on an application to obtain a Disabled Hunter Permit or Disabled Hunter Companion Permit or any medical doctor, nurse practitioner, physician assistant, optometrist, or ophthalmologist who makes a false statement on an application in order that a person might fraudulently obtain a Disabled Hunter Permit shall be in violation of this regulation and such violation shall be punishable as provided by Title 23, Wyoming Statutes.

Section 11. Proof of Permit. Permits issued in accordance with this regulation shall be in the possession of the individual in whose name the permit has been issued and shall immediately be produced for inspection upon request of an officer authorized to enforce this regulation.

Section 12. Savings Clause. If any provision of these regulations shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of these regulations shall be severable.

WYOMING GAME AND FISH COMMISSION

By: _____

Mike Healy, President

Dated: July 10, 2013